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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/561,428

**Applicant(s)**

PATEL, DIPAN

**Examiner**

JAMES T. BARON

**Art Unit**

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/09/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 60-91 and 107-111 is/are pending in the application.
- 4a) Of the above claim(s) 92-106 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-91 and 107-111 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/19/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date 10/22/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to the Election/Restriction filed on 02/09/2009.

#### ***Election/Restrictions***

1. Applicant's election with traverse of Group II in the reply filed on 02/09/2009 is acknowledged. The traversal is on the ground(s) that a search in class 709 subclass 255 for Group I or a search in class 709 subclass 252 for Group III would be deficient and that both groups require a search of both subclasses.

The groups which were submitted in the previous Office Action were:

Group I – Claims 60 – 91, and 107 – 111, Class 709, Subclass 225;

Group II – Claims 92 – 100, Class 707, Subclass 168; and

Group III – Claims 101 – 106, Class 709; Subclass 252.

For purposes of this office Action, it is construed that the Applicant made a typographical error when referring to the subclass for Group I and that the Applicant meant "subclass 225" and not "subclass 255."

This is not found persuasive because the subject matter of Class 709, Subclass 225 comprises means or steps for controlling which of the plural computers may transfer data via the communications media whereas the subject matter of Class 709; Subclass 252 is wherein the computers are connected via the communications media in a branched configuration. A search of Subclass 225 would produce art for controlling computers that are transferring data whereas a search for Subclass 252 would produce art for branched configurations of computers in networks. Thus a search in Subclass 225 would not yield any art for an invention classified in Subclass 252 and vice versa.

The requirement is still deemed proper and is therefore made FINAL.

***Specification***

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 3, Step 50. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

4. Claim 71 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

5. Claim 71 recites the limitation "wherein the shorter length subset of the string is of a selectable length." There is insufficient antecedent basis for this limitation, as "the shorter length subset of the string is of a selectable length" is not recited in any of the depended upon claims.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 65, 70, and 86 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Regarding claim 65, the phrase "substantially arbitrarily" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For purposes of this Office Action, "substantially arbitrarily partitioned subsets of a population of devices " will be construed as "any subsets of a population of devices."

9. Regarding claims 70 and 86, the phrase "is at least about" renders these claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For purposes of this Office Action, "the first length is at least about 32 bits" will be construed as "the first length is at least 32 bits."

10. Regarding Claim 92, the claim recites "executing a routine which performs a test to determine whether a selective update criterion is met in place of the confirmation routine." It is unclear from the instant claim whether the "test" is being performed instead of the "user confirmation routine" or whether the "test" is based on the "user confirmation routine." For purposes of this Office Action, "a test to determine whether a selective update criterion is met in place of the confirmation routine" will be construed as "a test to determine whether a selective update criterion is met instead of the confirmation routine."

#### ***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 60 – 69, 72 – 85, 91, and 111 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuhara et al. (US 2008/0176510 A1), hereafter Yuhara.

#### **Claim 60**

Yuhara discloses a method of selectively distributing data to a set of devices linked by a network (Yuhara: Paragraph [0020], Lines 1 – 3), each said device having at least one unique identifier (Yuhara: Paragraph [0021], Lines 6 – 7, the recipient receivers have a locally stored identifier information), the method comprising the steps of:

selecting devices to be members of the set (Yuhara: Paragraph [0022], Lines 9 – 15, the set of members is selected depending on the receivers in a certain geographic area), the set devices being selected to receive the data based on the at least one unique identifier (Yuhara: Paragraph [0021], Lines 5 – 9); and

distributing data to at least the selected devices (Yuhara: Paragraph [0021], Lines 3 – 7, a datagram is broadcast from a satellite to a number of receivers in a group), the data including at least one matching key for matching at least a portion of the unique identifier of selected devices (Yuhara: Paragraph [0021], Lines 5 – 7, the broadcast datagram includes identification information to identify a segment of receivers to receive the datagram).

**Claim 61**

Yuhara discloses a method according to claim 60 wherein the data is broadcast to a plurality of the devices over the network (Yuhara: Paragraph [0020], Lines 3 – 5) but wherein only selected devices selectively install the data (Yuhara: Paragraph [0023], Lines 3 – 6; Paragraph [0024], Lines 1 – 4, only devices where the broadcast identifier matches the local identifier will process that datagram).

**Claim 62**

Yuhara discloses a method of selectively installing data at one of a set of devices linked by a network, each device having a unique identifier (the preceding of the instant claim was addressed in the above rejections of Claims 60 and 61), the method comprising determining whether to install the data based on matching at least a portion of the unique identifier to at least one received matching key associated with the data (Yuhara: Paragraph [0021], Lines 5 – 7, the broadcast datagram includes identification information to identify a segment of receivers to receive the datagram; Yuhara: Paragraph [0023], Lines 3 – 6; Paragraph [0024], Lines 1 – 4, only devices where the broadcast identifier matches the local identifier will process that datagram).

**Claim 63**

Yuhara discloses the method of claim 60 wherein the unique identifier is independent of the content of the data (Yuhara: Paragraph [0034], Lines 2 – 5; Figure 3, the broadcast datagram 314 contains a header and body (data) section).

**Claim 64**

Yuhara discloses the method of claim 60 wherein the unique identifier is a device hardware identifier (Yuhara: Paragraph [0044], Lines 1 – 3; Figure 3, identifier information 338 = unique identifier)

**Claim 65**

Yuhara discloses the method of claim 60 wherein the set of devices comprises one of a plurality of substantially arbitrarily partitioned subsets of a population of devices (Yuhara: Paragraph [0020], Lines 3 – 7; Paragraph [0030], Lines 5 – 10, a datagram is



broadcast from a satellite to a specifically identified group or number of receivers; see also the 112 rejection for this claim above).

**Claim 66**

Yuhara discloses the method of claim 60 wherein the set of devices is selected by one or more predetermined geographic regions common to the set devices (Yuhara: Paragraph [0022], Lines 9 – 15, the set of members is selected depending on the receivers in a certain geographic area).

**Claim 67**

Yuhara discloses the method of claim 60 wherein the data comprises instruction code or a software update (Yuhara: Paragraph [0025], Lines 1 – 7; Paragraph [0032], Lines 1 – 6, the datagram includes an update to a previous datagram or replacement instructions).

**Claim 68**

Yuhara discloses the method of claim 60 wherein the unique identifier is a string of bits or characters (Yuhara: Paragraph [0044], Lines 8 – 10; Figure 3, individual ID 340 is a serial number associated with the receiver).

**Claim 69**

Yuhara discloses the method of claim 68 wherein the unique identifier is a string of a first length and the set of devices is determined from a shorter length subset of the string of the first length (Yuhara: Paragraph [0044], Lines 8 – 16; Figure 3, identifier information 338 includes individual ID 340, group ID 342, and category ID 344, further individual ID 340 is a serial number associated with the receiver).

**Claim 72**

Yuhara discloses the method of claim 61 wherein the step of installing the data is performed after performing one or more predetermined action steps to determine whether or not to install the data (Yuhara: Paragraph [0024], Lines 1 – 4, before processing the datagram, steps are taken to see if the recipient is actually a member of the group of recipients to receive the datagram).

**Claim 73**

Yuhara discloses the method of claim 72 wherein the one or more action steps include determining whether the data includes the key corresponding to the device (Yuhara: Paragraph [0021]; Figure 1, Step 104).

**Claim 74**

Yuhara discloses the method of claim 69 wherein the key corresponds to the shorter length subset (Yuhara: Paragraph [0034], Lines 6 – 10; Figure 3, broadcast identifier 318 comprises 6 smaller groups).

**Claim 75**

Yuhara discloses the method of claim 72 wherein the one or more action steps are performed when a device initialization instruction is performed by the device when the device is switched to a power on state or when the device is switched to a standby state (Yuhara: Paragraph[0053], Lines 5 – 10, the receiver 330 receives broadcast datagrams when an external power supply that it is coupled to is engaged).

**Claim 76**

Yuhara discloses the method of claim 72 wherein the one or more action steps are performed periodically or at regular intervals while the device is in communication with the network (Yuhara: Paragraph [0049], Lines 4 – 9; [0053], Lines 12 – 16, the datagram broadcasts are periodically sent and the receiver will perform the steps for determining whenever it receives the transmission; further the receiver may stop it's current communication to receive the datagram broadcast).

**Claim 77**

Yuhara discloses the method of claim 72 wherein the one or more predetermined action steps include the steps of:

determining the version of a device data of a set device (Yuhara: Paragraph [0026], Lines 1 – 4; Paragraph [0029], Lines 1 – 4, determining of a previously received copy of datagram = determining version);

comparing the version of the device data with the version of the data to be distributed (Yuhara: Paragraph [0026], Lines 4 – 7; Paragraph [0029], Lines 8 – 12, determining if received datagram had update information of a previously received copy of datagram = comparing the version); and

determining whether or not to perform the step of downloading the data to be distributed, based on the outcome of the step of comparing the versions of the device data and the data to be distributed (Yuhara: Paragraph [0026], Lines 7 – 12; Paragraph [0029], Lines 12 – 16, when the newly received datagram has an instruction to update the previously received datagram, the datagram is modified).

**Claim 78**

Yuhara discloses the method of claim 72 wherein the predetermined action steps are performed by the device (Yuhara: Paragraph [0020], Lines 1 – 3; Figure 1, process 100, which as explained above performs the predetermined action steps, is performed by the receiver).

**Claim 79**

Yuhara discloses the method of claim 60 wherein each device is arranged to run a manual update routine for allowing a user to decide whether to download data flagged as user selectable from the network (Yuhara: Paragraph [0055], Lines 3 – 8, Figure 5, steps 508 – 516), wherein the manual update routine is modified so that, in place of user decision, the routine runs a test routine to determine whether to download data flagged as user selectable (Yuhara: Paragraph [0058], Lines 11 – 16, the received datagram is analyzed to see what component it is meant for or whether it contains data modifying instructions).

**Claim 80**

Yuhara discloses the method according to claim 79 wherein the test routine comprises comparing the matching key to the unique identifier (Yuhara: Paragraph [0055], Lines 3 – 8, Figure 5, steps 508 – 512).

**Claim 81**

Yuhara discloses a device for running data (Yuhara: Figure 3, receiver 330 = device), the device being linked to other devices by a network (Yuhara: Figure 3), the device including:

a processor (Yuhara, Paragraph [0051], Lines 1 – 2, processor 404);

a memory with stored data procesable by the processor (Yuhara: Paragraph [0051, Lines 5 – 11, buffer memory 406; local memory 408); and

at least one unique identifier (Yuhara: as explained above, identification information 338),

wherein the data stored by the memory includes a routine for checking for update data for the device, and for selectively downloading the data based on at least a portion of the unique identifier, and at least one key associated with the update data (Yuhara, as explained in the above claims, datagrams containing update data are broadcast periodically to the receiver which, when it receives the datagram, performs a check for if it was intended for the instant receiver and then performs the functions of the datagram after being analyzed).

#### **Claim 82**

Yuhara discloses the device of claim 81 wherein the update data includes the key and the device selectively downloads the update data when the key correlates to the at least a portion of the unique identifier (These limitations were explained above in the rejection for Claim 62 and thus the instant claim is rejected for substantially similar reasons).

#### **Claim 83**

Yuhara discloses the device of claim 81 wherein the unique identifier is a device hardware identifier (These limitations were explained above in the rejection for Claim 64 and thus the instant claim is rejected for substantially similar reasons).

#### **Claim 84**

Yuhara discloses the device of claim 81 wherein the unique identifier is a string of bits or characters (These limitations were explained above in the rejection for Claim 68 and thus the instant claim is rejected for substantially similar reasons).

**Claim 85**

Yuhara discloses the device of claim 84 wherein the unique identifier is a string of a first length and the at least a portion of the unique identifier is determined from a shorter length of the first length (These limitations were explained above in the rejection for Claim 69 and thus the instant claim is rejected for substantially similar reasons).

**Claim 91**

Yuhara discloses a system for selectively distributing data to of a set of devices linked by a network, each said device having at least one unique identifier, the system comprising:

means for selecting devices to be members of the set, the set of devices being selected to receive the data based on respective unique identifiers of the devices (these limitations were explained above in the rejection for Claim 60 and thus are rejected for substantially similar reasons);

means for distributing data to at least each selected device, the data including at least one matching key for matching at least a portion of the unique identifier of selected device (these limitations were explained above in the rejection for Claim 60 and thus are rejected for substantially similar reasons); and

means for running the data on each respective selected device (these limitations were explained above in the rejection for Claim 81 and thus are rejected for substantially similar reasons).

**Claim 111**

Yuhara discloses a computer readable medium comprising instructions for performing the method of claim 60 (Yuhara: Abstract; Paragraph [0006], Lines 1 – 3, see computer program product).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 88 – 89, and 107 – 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuhara et al. and further in view of Wasilewski et al. (US 2004/0107350 A1), hereafter Wasilewski.

**Claim 88**

Yuhara does not expressly teach the device of claim 81 wherein the device is a set top box.

Wasilewski teaches wherein the device is a set top box (Wasilewski: Paragraph [0052] Lines 1 – 6, set-top-box 113 receives broadcasts).

The substitution of one known element (the set-top-box of Wasilewski) for another (the receiver of Yuhara) would have been obvious to one of ordinary skill in the

art at the time of the invention since the substitution of the set-top-box shown in Wasilewski would have yielded predictable results, namely, the set-top-box would have received the broadcast updated software instead of the receiver of Yuhara to with the substantially similar outcome of the set-top-box's software being updates.

**Claim 89**

Yuhara does not expressly teach the device of claim 81 wherein the network is a subscription television service.

Wasilewski teaches wherein the network is a subscription television service (Wasilewski: Paragraph [0050], Lines 3 – 7, service distribution organization 103 = subscription television service).

The substitution of one known element (the service distribution organization of Wasilewski) for another (the wireless network of Yuhara) would have been obvious to one of ordinary skill in the art at the time of the invention since the substitution of the service distribution organization shown in Wasilewski would have yielded predictable results, namely, the service distribution organization would have been used for broadcasting updated software instead of the wireless network of Yuhara with a substantially similar outcome of the service distribution organization being used for broadcasting software updates.

**Claim 107**

The method of claim 60 wherein the devices are set top boxes (these limitations were explained above in the rejection for Claim 88 and thus the instant claim is rejected for substantially similar reasons).



**Claim 108**

The method of claim 60 wherein the network is a subscription television service (these limitations were explained above in the rejection for Claim 89 and thus the instant claim is rejected for substantially similar reasons).

**Claim 109**

Yuhara does not expressly teach method of claim 108 wherein the set of devices is selected by determining one or more channels subscribed by and common to users of the respective devices.

Wasilewski teaches the set of devices is selected by determining one or more channels subscribed by and common to users of the respective devices (Wasilewski: Paragraph [0052]).

The substitution of one known element (the service distribution organization of Wasilewski) for another (the wireless network of Yuhara) would have been obvious to one of ordinary skill in the art at the time of the invention since the substitution of the service distribution organization shown in Wasilewski would have yielded predictable results, namely, the service distribution organization would have been used for broadcasting updated software instead of the wireless network of Yuhara with a substantially similar outcome of the service distribution organization being used for broadcasting software updates.

15. Claims 70 – 71, 86 – 87, 90, and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuhara et al. and further in view of Known Practices in the Art.

**Claim 70**

Yuhara does not expressly teach the method of claim 69 wherein the first length is at least about 32 bits.

Official notice is taken that it is known in the art, that when designing and implementing a design for a device, the designer will implement a string of bits that is necessary for the design of the particular device. This string can be at least 32 bits in length as necessitated by design.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to implement a string of bits to represent an identifier for a device, in this case at least 32 bit are used. This string of bits is arbitrary because Applicant has not disclosed that having the first length is at least about 32 bits provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with any number of bits because it is well known in the art to use 1 bit flags as identifiers for in devices and systems.

Therefore, it would have been an obvious matter of design choice to modify Yuhara to obtain the invention as specified in claim 70.

#### **Claim 71**

Yuhara does not expressly teach method of claim 68 wherein the shorter length subset of the string is of a selectable length.

Official Notice is taken that it is known in the art, that when designing and implementing a design for a device, the designer will decide on a subset length for a string of bits that is necessary for the design of the particular device.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to implement a shorter length subset of a string to be of a selectable length. This selectable shorter length string of bits is arbitrary because Applicant has not disclosed that having the shorter length subset of the string is of a selectable length provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with any number of bits because it is well known in the art to use 1 bit flags as identifiers for in devices and systems.

Therefore, it would have been an obvious matter of design choice to modify Yuhara to obtain the invention as specified in claim 71.

**Claim 86**

The instant claim is substantially similar to Claim 70 above and is rejected under substantially similar grounds as explained in Claim 70 above.

**Claim 87**

The instant claim is substantially similar to Claim 71 above and is rejected under substantially similar grounds as explained in Claim 71 above.

**Claim 90**

Yuhara teaches the device of claim 81.

Yuhara does not expressly teach wherein the devices are:

mobile telephones and the network is a mobile telephone network; or

telephone base stations and the network is a telephone network; or

computers and the network is a computer network; or

back to base home security devices and the network is a back to base security network.

The instant claim is reciting a list of devices that would comprise the elements and perform the routine recited in Claim 81. It would have been obvious to a person of ordinary skill in, in view of Yuhara's invention, that any of these devices can comprise the elements and would have been capable of performing the routine recited in Claim 81.

**Claim 110**

The instant Claim is substantially similar to Claim 90 above and is rejected for substantially similar grounds as in Claim 90 above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES T. BARON whose telephone number is (571)270-5661. The examiner can normally be reached on from Monday to Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. T. B./  
Examiner, Art Unit 2456

/Ashok B. Patel/  
Primary Examiner, Art Unit 2456